

REMARKS

SUMMARY

Reconsideration of the application is respectfully requested.

Claims 1-38 are in the application.

Applicant appreciatively acknowledges the Examiner's consideration of the arguments filed on April 18, 2005.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

To establish obviousness under 35 U.S.C. § 103, the Examiner must meet the standard set forth by the Supreme Court in *Graham v. John Deere Co.* That standard requires that the Examiner (1) determine the scope and content of the prior art; (2) ascertain the differences between the prior art and the claims in issue; (3) resolve the level of ordinary skill in the art; and (4) evaluate evidence of secondary considerations. 383 U.S. 1, 17-18 (1966); *see also* MPEP 2141. Secondary considerations include whether the invention met with commercial success, whether the invention answered a long felt need, and whether others attempting the invention have failed. *Graham*, 383 U.S. at 17-18. Further, in applying the *Graham* framework, the Examiner must consider the invention as a whole, without the benefit of hindsight. MPEP 2141.

Before discussing the rejections in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a method for copying/archiving a web based application including the operations of:

initializing a **file** to store the web based application, including creation of a root directory **within the file**;

creating **data directories** under the root directory, and initializing **storage data objects** under the data directories for **all non-file system structures** of the web based application; and

copying and **storing** the non-file system structures into the storage data objects.

As such, claim 1 describes copying/archiving a web-based application **using a file to store the web based application**. The file exhibits its own file **directory within the file** including a root directory and data directories. **Non-file system structures** of the web based application are stored **in the file under the storage data objects**.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

1. In “Claim Rejections – 35 USC § 103,” item 3 on page 2 of the above-identified final Office Action, claims 1, 3-5, 9, 11, 13-15 and 19 have been rejected as being unpatentable over U.S. Patent No. 6,823,338 to *Byrne, et al.* (hereinafter “**BYRNE**”) in view of U.S. Patent No. 6,208,993 to *Shadmon* (hereinafter “**SHADMON**”) under 35 U.S.C. § 103(a).

BYRNE teaches a “method for securing and processing sparse **access control list (ACL) data in a relational database** used as a **backing store** for a hierarchical-based **directory service**.” The directory is made available through an LDAP server, and has a root under which directory entries are organized. Access to the contents of the directory is controlled by a relational database that has tables storing the ACL data. The **tables themselves are not part of the directory** (see **BYRNE** Figures 1, 2 , and 5). Thus, they are **not stored** as objects **under the directory**, but rather, like a lock to a safe, are an outside component controlling access to the entries of the directory.

In contrast, the present application teaches the archiving of **web based applications** in a **platform independent file**. The file contains a root **directory where** non-file system objects, such as **tables**, **are stored** as storage data objects under a data directory, which in turn is created under the above-mentioned root directory. The main differentiating factors between the claimed present invention and **BYRNE**, then, are the **storage of the tables**

under the directory structure and the use of a data directory that is created under the root directory.

The Office Action fails to acknowledge the first of these differences – the lack of storing non-file system structures such as tables under the root directory, but suggests that **SHADMON** remedies **BYRNE**'s lack of data directories. **SHADMON**, as the Examiner notes, “teaches a method and a system for uniformly accessing multiple directory services.” **SHADMON** claims an **index** that is arranged in blocks and **is linked to directory items**, the **items** themselves **corresponding to data records**. The directory taught by **SHADMON**, however, merely has entries corresponding to data records. It does not, like the present application, claim or teach a directory storing non-file system structures like data records. Thus, **SHADMON** and **BYRNE**, taken as a whole, fail to disclose the storing of non-file system structures in a directory.

Also, contrary to the Office Action, **SHADMON**'s data dictionary is not equivalent to the data directory of the present application. The data **dictionary** taught by **SHADMON** “**maintains meta-data information**, which provides information on the **data records**.” In contrast, the present application teaches a data **directory** for **storing storage data objects**. These **storage data objects** are claimed to **store** non-file system structures, such as **data records**. Thus, unlike the data **dictionary** of **SHADMON** which merely **maintains** information about data records, the data directory of the present application actually **stores** data records.

Thus, the prior art, taken as a whole, fails to teach two features key to the structure of the claimed invention: the storing of non-file system structures under a directory, and the creation of a data directory under a root directory. These key features illustrate a novel relationship – between maintaining a directory and storing within that directory the very tables and other non-file system structures to which the directory refers. It is this novel relationship, then, that differentiates the instant application from **BYRNE** and **SHADMON**. Consequently, claims 1 is patentable over the cited art.

Claim 11 contains in substance the same recitations earlier discussed for claim 1. Therefore, for at least the same reasons, claim 11 is patentable over the cited art.

Claims 3-5, 9, 11, 13-15 and 19 depend from either claim 1 or 11, incorporating their limitations correspondingly. Accordingly, for at least the same reasons, claims 3-5, 9, 13-15 and 19 are patentable over the cited art.

2. In “Claim Rejections – 35 USC § 103,” item 4 on page 8 of the above-identified final Office Action, claims 6-8, 16-18, 21, 23, 32, and 33-38 have been rejected as being unpatentable over **BYRNE** in view of **SHADMON**, as applied to claims 1, 3-5, 9, 11, 13-15 and 19, and further in view of U.S. Patent No. 6,052,693 to *Smith, et al.* (hereinafter “**SMITH**”) under 35 U.S.C. § 103(a).

As stated above, **BYRNE** and **SHADMON**, taken as a whole, fail to disclose key structural features of the claimed invention. The claimed invention teaches a novel method that not only maintains a directory referring to tables and other non-file system objects, but also creates a data directory under that directory which stores the tables and non-file system objects that the directory refers to. **BYRNE** and **SHADMON** simply do not teach a directory that stores within itself the objects to which it refers. Thus, even when combined with **SMITH**, the cited art fails to show novel features that are noted when the claimed invention is taken as a whole. Consequently, claims 6-8, 16-18, 21, 23, 32, and 33-38 are patentable over the combination of **BYRNE**, **SHADMON**, and **SMITH**.

3. In “Claim Rejections – 35 USC § 103,” item 5 on page 22 of the above-identified final Office Action, claims 25-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over **BYRNE** in view of **SMITH**.

As stated above, **BYRNE** and **SMITH**, taken as a whole, fail to disclose key structural features of the claimed invention. The claimed invention teaches a novel method that not only maintains a directory referring to tables and other non-file system objects, but

also creates a data directory under that directory which stores the tables and non-file system objects that the directory refers to. **BYRNE** and **SMITH** simply do not teach a directory that stores within itself the objects to which it refers. Consequently, claims 25-31 are patentable over the combination of **BYRNE** and **SMITH**.

4. In “Claim Rejections – 35 USC § 103,” item 6 on page 26 of the above-identified final Office Action, claims 2 and 12 have been rejected as being unpatentable over **BYRNE** in view of **SHADMON**, further in view of **SMITH**, as applied to claims 1, 3-5, 9, 11, 13-15, and 19, and further in view of U.S. Patent No. 6,604,106 to *Bodin, et al.* (hereinafter “**BODIN**”) under 35 U.S.C. § 103(a).

As stated above, **BYRNE**, **SHADMON**, and **SMITH** taken as a whole, fail to disclose key structural features of the claimed invention. The claimed invention teaches a novel method that not only maintains a directory referring to tables and other non-file system objects, but also creates a data directory under that directory which stores the tables and non-file system objects that the directory refers to. **BYRNE**, **SHADMON**, and **SMITH** simply do not teach a directory that stores within itself the objects to which it refers. Thus, even when combined with **BODIN**, the cited art fails to show novel features that are noted when the claimed invention is taken as a whole. Consequently, claims 2 and 12 are patentable over the combination of **BYRNE**, **SHADMON**, **SMITH**, and **BODIN**.

5. In “Claim Rejections – 35 USC § 103,” item 7 on page 27 of the above-identified final Office Action, claims 10, 20, 22 and 24 have been rejected as being unpatentable over **BYRNE** in view of **SHADMON**, further in view of **SMITH**, as applied to claims 1, 3-5, 9, 11, 13-15 and 19, and further in view of U.S. Patent No. 6,651,096 to *Gai, et al.* (hereinafter “**GAI**”) under 35 U.S.C. § 103(a).

As stated above, **BYRNE**, **SHADMON**, and **SMITH** taken as a whole, fail to disclose key structural features of the claimed invention. The claimed invention teaches a

novel method that not only maintains a directory referring to tables and other non-file system objects, but also creates a data directory under that directory which stores the tables and non-file system objects that the directory refers to. **BYRNE, SHADMON, and SMITH** simply do not teach a directory that stores within itself the objects to which it refers. Thus, even when combined with **GAI**, the cited art fails to show novel features that are noted when the claimed invention is taken as a whole. Consequently, claims 10, 20, 22, and 24 are patentable over the combination of **BYRNE, SHADMON, SMITH, and GAI**.

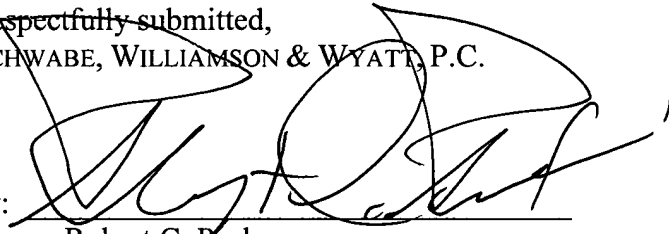
CONCLUSION

Applicant submits that all pending claims, claims 1-38, are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: September 8, 2005

by:


Robert C. Peck
Reg. No.: 56,826

Schwabe, Williamson & Wyatt, P.C.
Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97222
Telephone: 503-222-9981